

REMARKS

The Office Action of November 15, 2005 has been studied in detail along with the references applied and cited by the Examiner. In response, selective claims have been amended (claims 1, 5, 7, 10, 12, 16, 18, 21, 23, 29 and 30) and new claims (claims 37-40) presented for consideration. The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and reconsideration of the application as amended are respectfully requested.

The Office Action

The application was subject to a restriction requirement whereby applicant provisionally elected claims 1-33, drawn to a tube holder, for prosecution. Applicant affirms this election. Claims 34-36 have been withdrawn from further consideration.

Claims 1-2, 4-14, 16-21, 23-25 and 27-32 were rejected under 35 U.S.C. §102(b) as anticipated by Christensen (U.S. 2715487).

Claims 3, 15, 22, 26, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Christensen.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-2, 4-14, 16-21, 23-25 and 27-32 as being anticipated by Christensen. The Christensen reference discloses a cartridge holder for retaining cartridges. The cartridge holder, as described in Christensen, is configured to fit on the belt of the user. An object of the Christensen invention is to provide a cartridge holder by folding a single piece of flex material, as leather or plastic, so as to form a pocket at the fold line and define two panels between which the user's belt may be fitted, and have a group of apertures in the wall of the pocket, each aperture containing a communicative slit so that when the cartridge end is inserted, the material of the holder flexes, the aperture spreading open slightly, the slit opening, and the material immediately adjacent to the slit bending inward slightly to form cartridge engaging elements (col. 1, lines 25-35). Upon folding the front and back panels a pocket (18) is formed as a consequence of this folding procedure. Preformed apertures and slits are so located on the blank that they will appear in the front panel and open into pocket (18) after folding. Their function is to accommodate the ends of cartridges

(24), as best seen in figures 4 and 5. As shown, the apertures and slits provide openings for the ends of cartridges to fit through wherein a side of the back panel (14) (i.e. closed-end) prevents further movement of the bottom ends of the cartridges. Furthermore, panels (12) and (14) may be joined in any suitable fashion, as by stitching (30) together with rivets (32) in the corners (col. 2, lines 21-22). Christensen describes a cartridge holder wherein the cartridge is inserted firstly through the sleeve and secondly through the apertures and slits (20, 22). Movement of the cartridge in and out of these sleeves is first done by pushing the top end of the cartridge and then pulling the top end of the cartridge.

In contrast, amended claim 1 recites the fluid collection tube including a bottom end and an enlarged top end. The fluid collection sleeve includes at least one ridge along an inside surface. The at least one fluid collection sleeve allowing passage of the bottom end of the fluid collection tube while preventing passage of the enlarged top end whereby the fluid collection tube is adapted to be pushed in opposing directions along an axis of the sleeve firstly from the top end and secondly from the bottom end. Christensen does not describe a ridge along an interior surface of the sleeve nor does it allow access to the cartridge from either end as recited in amended claim 1. Furthermore, amended claim 5 recites wherein the fluid collection tube is inserted firstly through the opening and secondly through the sleeve. Claim 5 also recites that the protective guard is open ended.

In addition, amended claim 7 recites that the rim projects in a direction orthogonal to the guard and away from the sleeves. As such, the rim is an outwardly projecting element extending along one edge orthogonally to the guard and in a direction away from the sleeves. In contrast, Christensen recites that the panels 12 and 14 may be joined in any suitable fashion as by stitching (30) together with rivets (32) in the corners. The stitching does not anticipate the structure of the projecting rim as recited in Applicant's amended claim 7.

Dependent claim 10 has been amended to recite the body includes a hole therethrough proximal to an end for hanging the tube holder whereby the at least one

fluid collection sleeve is horizontal. The placement of the hole as recited in Applicant's amended claim 10 enables the collection sleeves and the fluid collection tubes therein to remain horizontal wherein the tubes are accessed from either end. Christensen does not describe nor suggest hanging the holder. Furthermore, even if the cartridge holder was hung via rivet (32), the sleeves would not be horizontal, nor would the cartridges be accessible from either end.

Independent claim 12 has been amended to recite that the securing band is for securing the tube holder to a user's hand and that the at least one fluid collection sleeve includes a first ridge and at least a second ridge along an interior surface of the sleeve, the first ridge opposed to the at least second ridge. Dependent claim 16 has been amended to recite that the protective guard is an open ended guard wherein the fluid collection tube is inserted firstly through the opening and secondly through the sleeve. Further, claim 18 has been amended such that the rim projects in a direction orthogonal to the guard and away from the sleeves. Claim 21 has been amended to recite that the body includes a hole therethrough proximal to an end for hanging the tube holder whereby the at least one fluid collection sleeve is horizontal. None of the aforementioned structures recited in claims 12-22 are anticipated by Christensen.

Independent claim 23 has been amended to recite that the guard is an open ended guard and wherein the fluid collection tube is inserted firstly through the opening and secondly through the sleeve. The opening is sized to allow passage of a bottom end of the fluid collection tube therethrough while restricting passage of a top end of the fluid collection tube therethrough. As discussed above, Christensen does not show an open ended protective guard nor does it provide a holder wherein the cartridges are inserted firstly through an opening and secondly through a sleeve. Christensen shows a closed ended guard wherein the cartridges are inserted firstly through the sleeve and secondly through an aperture in the closed ended guard. Applicant has amended claim 29 to recite that the rim projects in a direction orthogonal to the guard and away from the sleeves. As discussed above, this structure is neither anticipated nor made obvious by Christensen.

Claim 30 has been amended to recite that the body includes a hole therethrough proximal to an end for hanging said tube holder wherein the at least one fluid collection sleeve is horizontal and the tubes are accessed from either end.

Applicants submit that the pending independent claims 1, 12, and 23, and all claims dependent therefrom, are not anticipated by Christensen for at least the reasons set forth above, and are allowable over this record art. Applicants accordingly request reconsideration and allowance thereof.

Rejections Under 35 U.S.C. §103(a)

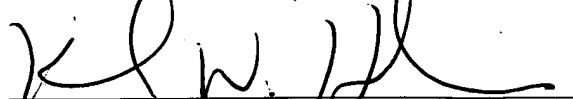
The Examiner next rejected claims 3, 15, 22, 26, and 33 under 35 U.S.C. §103(a) as being unpatentable over Christensen. Dependent claim 3 is dependent upon amended claim 1. Claim 15 is dependent indirectly upon amended claim 12. Claim 22 is dependent upon amended claim 12. Claim 26 is indirectly dependent upon amended claim 23. Claim 33 is dependent upon amended claim 23. The aforementioned dependent claims provide further limitations that distinguish from the cited reference. The arguments discussed above with respect to the amended independent claims are equally appropriate here and will not be repeated. Consequently, claims 3, 15, 22, 26, and 33 are not taught nor made obvious by Christensen. Applicants request reconsideration and withdrawal of the Section 103(a) rejection of claims 3, 15, 22, 26 and 33 and allowance thereof.

CONCLUSION

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,

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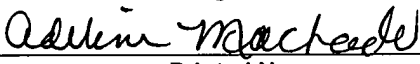
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Mar. 10, 2006
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